

COMMERCIAL LAW OF WORLD

Among the through passengers by the *Moscow* are Prof. C. H. Huberich of the law faculty of Stanford University, with his wife and child. Prof. Huberich has been to Australia to study the systems of commercial law in the various states of the Commonwealth, and to make a report on the subject for a compendium of the commercial law of the world which is to be issued by the German government. Included in the bodies of law on which Prof. Huberich is to report, is the Crown Colony of Fiji.

"In its body of commercial law," says Prof. Huberich, "Australia follows very closely the forms and spirit of the English commercial law. Many of the statutes are almost word-for-word copies of similar statutes of England. Of course there are differences, made necessary by the differences in conditions, but there is an utter absence in the commercial law, of that spirit of innovation and experiment that is so strikingly manifest in their industrial legislation."

"No capital for the Commonwealth has yet been selected, and apparently they are as far from an agreement on that subject as ever. There are strong differences of political sentiment among the various states, which have not become adjusted yet. New South Wales was a free trade state while the others were all tariff states, and some of them high tariff states. But there seems to be a strong attachment to the Commonwealth and with the powers that have been given it, it seems certain that in time there will be built up a strong Commonwealth government."

"Fiji in her commercial law shows some marked divergences from Australia, though both are modeled very closely after the English law."

"During my stay in Australia I was so engrossed with the particular work I had, that I found very little opportunity for studying either political conditions or problems. While in Australia, I heard a report that the Spreckels were to put on a passenger service between San Francisco and Australia anew, in February."

While Prof. and Mrs. Huberich were in Honolulu they were shown the things interesting to see by A. D. Larnach, who was one of the Professor's pupils at Stanford, and is now practicing law in Honolulu.

NEW ALTAR FOR ST. ANDREW'S ON WAY

The new altar for St. Andrew's cathedral was shipped for Honolulu by the bark *Footing Sney* which is now out forty-four days. This altar is of the well known Carrara stone so generally used in Europe for statuary and architectural work in cathedrals. It was designed by Messrs. Allen and Collins of Boston and will harmonize architecturally with the chancel. The funds for this altar have been secured largely through the efforts of Mrs. Restarick.

MOTHERS

should know. The troubles with multitudes of girls is a want of proper nourishment and enough of it. Now-a-days they call this condition by the learned name of Anemia. But words change no facts. There are thousands of girls of this kind anywhere between childhood and young ladyhood. Disease finds most of its victims among them. Some of them are passing through the mysterious changes which lead up to maturity and need especial watchfulness and care. Alas, how many break down at this critical period; the story of such losses is the saddest in the history of home. The proper treatment might have saved most of these household treasures, if the mothers had only known of WAMPOLE'S PREPARATION and given it to their daughters, they would have grown to be strong and healthy women. It is as palatable as honey and contains all the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. In building up pale, puny, emaciated children, particularly those troubled with Anemia, Scrofula, Rickets, and Bone and Blood diseases, nothing equals it; its tonic qualities are of the highest order. A Medical Institution says: "We have used your preparation in treating children for coughs, colds and inflammation; its application has never failed us in any case, even the most aggravated bordering on pneumonia." The more it is used the less will be the ravages of disease from infancy to old age. It is both a food and a medicine—modern, scientific, effective from the first dose, and never deceives or disappoints. "There is no doubt about it." Sold by all chemists here and throughout the world.

DEATH OF FRED W. WUNDENBERG

(From Saturday's Advertiser.)
Frederick W. Wundenberg died suddenly about 8 o'clock last evening of heart failure following nearly two years of ill health. He was stricken soon after dinner, and Dr. Hoffmann was telephoned for in haste. But by the time he arrived at the residence on Pacific Heights, death had intervened.

The funeral will take place from Kawaiaha church at 3 o'clock Sunday afternoon. Mr. Wundenberg having expressed a wish that this might be so and that the Rev. H. H. Prater should officiate. The pall bearers have not yet been selected.

Frederick W. Wundenberg was the son of Godfrey Frederick Wundenberg, for many years a resident of Hawaii, and Registrar of Public Accounts under Kamehameha V. He was a grandson of a Prussian officer who participated in the battle of Waterloo. He was born in Hanau June 23, 1859, and was educated in the schools of the islands and at Punahou. The family removed to California in 1888 but he returned about three months later and was for a long time in the employ of Castle & Cooke. Later he was in the employ of T. H. Davies & Co. He became Postmaster General of the kingdom in 1896 and he held that office until he resigned in May, 1897. He was, during 1891 and 1892, a clerk in the Judiciary Department. In 1893 he came under the ban of the government of the Republic of Hawaii for alleged complicity in the revolution of that year, and he went to California. He returned after annexation and has been in business as a financial agent ever since.

In October 1900, he married Miss Eastmair, who he had met in Australia. She survives him.

He leaves five sisters, Mrs. T. J. King, Mrs. J. H. Soper, Mrs. Anna Wright, Mrs. Frank Brown, and Mrs. Darby, the latter a resident of California.

DR. ALVAREZ TELLS OF MEXICO

Dr. Alvarez, for many years a resident of Honolulu, and even at present the accredited Spanish Consul to Hawaii, returned last Tuesday after an absence of four or five years spent at Cananea, State of Sonora, Mexico. For two years he was a physician there in the hospital maintained by the Cananea Copper Company, but since then he has been engaged in an extensive private practice.

"My practice," he said, "I left in charge of my son, Dr. Walter Alvarez, last November, and he has been doing very well. He is a graduate of Cooper Medical College, and married a Miss Smyth, the daughter of the Rev. George Smyth, a Methodist minister of Berkeley. She is a graduate of the University of California. He has a large circle of acquaintances here. His practice is largely among Mexicans, so that he has learned the language pretty thoroughly."

"Dr. W. J. Galbraith, who formerly practiced here and was at the head of the hospital in Cananea, is now the private physician for Col. W. C. Greene, formerly at the head of the Cananea Copper Company. They are now in Los Angeles, but they spend most of their time traveling."

"John S. Clark, for several years in drug stores in Honolulu, is the druggist at the hospital in Cananea."

"Cananea is at an elevation of 5500 feet above sea level, in a superb climate, and forty miles from the Arizona line and right in the same copper region that has been working for so long and so profitably at Bisbee, Arizona. The mining company employs about 4000 persons, and produces about 100 tons of matte a day. The mine is now controlled by Thomas Ryan, the man who owns the Equitable Insurance Company and who has figured so extensively in high finance of late. Col. W. C. Greene was formerly in control. He is still president of the Greene Gold and Silver Mining Company of Chihuahua, which owns about a million acres of land there. He is also president of the Greene Gold Company, owning a placer mine capitalized at \$5,000,000, in Sonora."

"The region around Cananea offers few opportunities, except that a man can always get employment in the mine. But the southern part of the State of Sonora, in the Yaqui River Valley, offers great opportunities for tropical agriculture. The land is richer than it is anywhere else in the world except in the delta of the Nile."

"Mexico is making great progress. Porfirio Diaz is a wonderful ruler. When the material he has had to work with is considered, the results are marvellous. Life and property are safer in Mexico than they are in the United States. Public education is constantly being improved, and the effort is being made to establish agricultural schools, and to develop agriculture. Mexico is more backward in agriculture than in anything else. Generally speaking the plow of Mexico is still a forked stick with an iron point, and the ground is merely scratched instead of being plowed."

"In Cananea, I have built two hotels, one of adobe, and the other of brick. The latter is the best hotel in the place. Adobe structure is very common and is in many ways admirable. If plastered it will last for ages in that climate. The plaster used is what is called Douglass cement, which is not a cement at all but is a gypsum which serves as an excellent substitute for plaster."

"I arrived here on the Siberia just twenty years to a day from the time I arrived in Honolulu for the first time on the old Australia. I have never abandoned this as my residence, and am still the Spanish Consul accredited here. I have considerable property which I feel that I ought to look after, and so I expect to remain here for a year at least."

MAGOON MAKES GOOD TO BLAISDELL ESTATE

(Honolulu, T. H., January 10th, 1908.)
Received from J. Alfred Magoon, trustee under the will of John L. Blaisdell, deceased, all moneys, securities and properties belonging to the estate of J. L. Blaisdell in the hands and possession of said J. Alfred Magoon, trustee, including all property ordered by the Circuit Court of the First Judicial Circuit to be delivered by said trustee to us, under order dated January 10th, 1908.

"JOHN L. BLAISDELL,
"MATILDA K. BLAISDELL,
"JANE A. BLAISDELL."

The foregoing receipt signifies the final settlement of the Blaisdell estate matter. It forms one of the grounds of a decree by Judge De Bolt, of the same date, relieving Mr. Magoon and his bondsmen of all further responsibility. For several days it had been an open secret that Mr. Magoon was preparing to assume, on his own personal account, all of the investments on behalf of the estate which had been denounced by Mr. Marcellino as master. This was shown to the satisfaction of the court, he had done.

THE AGREEMENT.

Besides turning over to the beneficiaries more than \$4000 cash on hand, Magoon pays \$900 in accrued interest and gives his note to the estate for \$33,000, secured by conveyances to the Trent Trust Co. of the lands under the disputed mortgages, also by assignments of the mortgages and, as collateral security in addition, a deed for his half interest in Pauoa land. It is stipulated, moreover, that Richard Trent and W. A. Kinney have the right at any time to call on Magoon for additional security.

The agreement is not part of the court records. It was sufficient for the court to be apprised of the withdrawal of the trustee's exceptions to the master's report and of the fact of an amicable settlement having been reached. Not least satisfied of all who have had to do with the matter ought to be John Marcellino, master in chancery, whose recommendations have been justified by the trustee's thorough compliance therewith after a brief temporary resistance thereto in court, and this justification emphasized by the approval of the master's action by Magoon's counsel in open court.

THE DECREE.

The final decree recites that on January 10, 1908, there came on regularly to be heard the matter of the final accounts of John Alfred Magoon, trustee of the estate of J. L. Blaisdell, deceased. A. S. Humphreys appearing as attorney for the trustee, and Kinney & Marx as attorneys for John Blaisdell, Matilda R. Blaisdell and Jane A. Blaisdell, and it appearing to the satisfaction of the court "that it is unnecessary to make any order with reference to the report of the master to whom the said accounts were by the court referred, and the exceptions filed by the said John Alfred Magoon as trustee, aforesaid, to the said report, and all parties now here in open court, it is ordered, adjudged and decreed" as follows:

"That the final accounts of Magoon be in all and every respect fully ratified, approved and confirmed, and Magoon be relieved of all moneys, securities and properties belonging to the estate, he be absolved from all liability as trustee and the sureties on his bond be discharged."

It is further ordered that John, Matilda and Jane Blaisdell pay costs of the court in this proceeding, also pay to John Marcellino a master's fee of \$150 and to A. S. Humphreys an attorney's fee of \$250.

COURT PROCEEDINGS.

When the Circuit Court convened at two o'clock yesterday afternoon, Judge De Bolt called up the matter of the final accounts of J. A. Magoon, as trustee of the Blaisdell estate. Judge A. S. Humphreys appeared for Mr. Magoon, and W. A. Kinney appeared for the Blaisdell interests.

Addressing the court, Judge Humphreys said:

"I now hand to your Honor a decree to be signed by your Honor, with the consent of all parties, and at the same time I hand to the clerk, to be filed with the records in this case, a receipt to Mr. Magoon, from all of the beneficiaries of the Blaisdell estate, for all of the securities, money and property in Mr. Magoon's hands as

trustee. I may observe that Mr. Magoon has agreed to take over all of these securities and all of the real estate, paying to the parties in interest the full inventoried value of the same; and may I say, your Honor, that it is a source of peculiar satisfaction to me to have been identified with this matter as an attorney. In the first place, it is a source of satisfaction to represent a client who, when his investments as a trustee are criticized, says that he is willing to back up his judgment, as a fiduciary, with his coin, as an individual, to the extent of \$33,000 and upwards. I venture to say that, were it not for the depreciation in values in Honolulu, which have affected real estate investments of all kinds, there would not have been the slightest criticism of the administration of this trust. A trustee is not supposed to be fraught with all of the learning of the past, nor president of the future—ordinary prudence is all that can be required of any agent."

"In this connection, I can not do better than quote from the language of a distinguished judge, employed in relation to certain investments, made by a trustee, which had shrunk in value, namely, 'An unusual rise and depression of property of all kinds occurred over most parts of the State (Pennsylvania) from 1814 to 1829; many of those who were considered, and who were, in fact, of eminent skill in business, of great industry, and as honest as any of their neighbors, were ruined. It was a time in which great loss overwhelmed many of all classes, and accident had more to do in the event, wealth or poverty of every man than knowledge or exertion. The infatuation, as it is now called, pervaded all ranks. A few from extreme caution, a few from extreme indolence, and perhaps some few from a great superiority of mind and experience, kept aloof. It is not right, however, to make these few a standard by which trustees are to be held liable or not; prudence, common caution, are all that courts have required or should require."

"The records of the courts of this country do not furnish another situation such as we have in this matter. In this case the trustee has paid to the various beneficiaries, from time to time from the income, the sum of \$15,653, and after paying all the expenses of administering the estate, there has been added to the principal of the trust estate the sum of \$12,109, making the principal at this time \$38,762, as against the sum of \$26,230 received by the trustee when he took charge of the estate. These are facts that can not be disputed—they are chiseled right into the record here. It is impossible to believe that this trustee could have accomplished more, unless he had played poker with the money of the estate, continuously, and had held a winning hand in every game. I find satisfaction in appearing here as counsel for the further reason that I am persuaded that, with the slightest upward tendency in real estate here, my client will reap a handsome profit on the property which he now takes over."

"As to the report of the master, let me say that I do not concur in the hostile criticism that has been made upon him. A master has duties to perform of impressive responsibility, and he should set himself to the task without fear or favor, or the thought of consequences to himself."

At the conclusion of Judge Humphreys' remarks, Judge De Bolt signed the decree as reported above.

HIS KIND.

Knicker—The new Treasury notes are certificates of indebtedness. Bocker—So are most of the ones I write.—New York Sun.

MERRIAM'S BLOW IS WARDED OFF

(From Saturday's Advertiser.)
There was a great stir in National Guard higher circles yesterday morning, which had no relation to the scheme for doubling the strength of the Territorial militia. It was instead caused by the seeming necessity of warding off a blow at the vitals of the existing organization of the National Guard of Hawaii.

Charles H. Merriam, Registrar of Conveyances, delivered the blow, or, at all events, made a strong feint at the deadly stroke.

It came this way. When the Acting Governor made a call, the day before, for a man of the hospital corps of the Guard to go to Molokai, in connection with the accident to Mr. Hartwell, Sergeant Barry requisitioned Registrar Merriam for William Ewaliko of his staff as being the man most suitable for the service. Mr. Merriam's response may here be given in his own words to an Advertiser reporter yesterday:

"I did not give an ultimatum. What I said was that if it was the Acting Governor's orders he could go, but on his return he should either resign from the National Guard or from this department. It would be easier to serve one master than two."

Col. J. W. Jones, adjutant general, and Col. Sam. Johnson, commanding, of the N. G. H., on hearing of the attitude taken by Mr. Merriam saw that official about it yesterday morning and received from him a reply of practically the same tenor as the one he had given the ambulance sergeant on Thursday.

Colonels Jones and Johnson then took the matter to Acting Governor Mott-Smith. In the meantime the N. G. H. membership in town, particularly in the government departments, had become much worked up in feeling over the edict proclaimed in the Bureau of Conveyances. Many of the most valued members of the militia forces are in public employ. It is said, indeed, that if all the militiamen who derive their livelihood from the salary and pay rolls of Territory and county quitted the ranks there would be little more than a corporal's guard in any of the companies or auxiliary branches.

The Acting Governor forthwith had Registrar Merriam along with the militia heads in conference with him, when the whole matter was threshed out and an understanding reached whereby any clashing in future between the respective interests of the National Guard and the various public services will be avoided.

THE SETTLEMENT REACHED.

Acting Governor Mott-Smith, after the conference, gave out the following statement:

"In connection with the service on the National Guard, the Acting Governor this morning took up the question as to whether or not the requirements of such service decreased or interfered with the efficiency of the several departments of the government, by reason of withdrawing men employed in such departments for the time required for such service."

"The particular question arose by reason of the fact that four men of the office of the Registrar of Conveyances are National Guardsmen. The Registrar submitted to the Acting Governor that the withdrawal of these men for service on the National Guard would interfere with the efficiency of his department."

"After the conference, however, the Acting Governor stated that the National Guard, as well as other departments of the government, was a department in the efficiency of which the Executive was equally concerned. For this reason, the Guard was called out for service only very occasionally, for such times as the reception of the Governor or other such occasions. The National Guard is required to drill twenty-four times a year and these drills, in order not to interfere with the efficiency of any department of the government or with any business concern, are held at night. The Guard is also required to undergo a yearly inspection by the United States military authorities in order to ascertain the conformity of the Guard with the rules and regulations of the United States Army. This generally requires one day."

"Occasionally the National Guard is called out for parade and inspection by the Executive and this, for the reasons above stated, is usually done on holidays. In order to promote the efficiency of the Guard and to insure its conformity with the rules and regulations of the United States Army, the Guard is yearly called out for about

CASTLE'S OFFER FOR BIG LEASE

Following is the application by James B. Castle for a lease of timber lands in Kona and Kau received by Land Commissioner Pratt, referred by him to Acting Governor Mott-Smith and by the latter in turn referred to the Board of Agriculture and Forestry for consideration:

Honolulu, Hawaii, Jan. 3, 1908.
J. W. Pratt, Esq., Land Commissioner, Territory of Hawaii, Honolulu, Hawaii.

Dear Sir: I hereby make application for the lease of the forests on such of the government lands of Kona and Kau as may be now available or to become available during the term of the lease herein applied for, including the right to cut and lumber the same subject to the supervision and approval of the Territorial Forester. For this lease or stumpage license I offer as rent or royalty four per centum (4 per cent.) of the gross receipts derived from or on account of the leased territory of whatever nature or kind, such amount, however, in any case, not to fall below a minimum per annum equal to the amount represented by all the kua which may be marketed at five dollars (\$5.00) per M feet, board measure, and twenty-five cents (25c.) per cord for firewood and one dollar (\$1.00) per M feet, board measure, of ohia timber or lumber, in each year.

I propose as an earnest of good faith for the necessary outlay to realize profit from such a lease, both for the government and myself, that the condition be attached of the completion of railroad construction by the lessee, (or West Hawaii Railroad), to enable the beginning of actual milling operations on the North Kona lands in two years, the South Kona lands in four years, and the Kau lands in six years, the alternative being forfeiture of the lease of the lands so referred to respectively. As you are aware, the West Hawaii Railroad plans to effectuate its railroad communication to these districts, all connecting to deep water at Kaawaloa, provided we may obtain sufficient interest in the Kona resources to be developed, to afford reasonable ground for confidence that the railroad enterprise will eventually be financially sound. Such interest secured, I am confident we may proceed constructing immediately the existing unprecedented financial stringency is relieved. Only under the most favorable circumstances are the time limits named sufficient.

I hardly need urge upon your attention the invaluable assistance in land development of rail transportation and am sure you will regard the present proposition as furnishing to the government an ideal method of enabling the best development of Kona and Kau districts, perhaps the most backward proportionate to their resources of any sections of the islands.

Hoping for early and favorable consideration of the foregoing, I remain, Yours respectfully,

J. B. CASTLE.

CROUP IS IMMINENT.

No matter how well your children may appear to be you are never safe without a bottle of Chamberlain's Cough Remedy in the house. It never fails to relieve and is perfectly safe to give the little ones. For sale by all dealers. Benson, Smith & Co., Ltd., Agents for Hawaii.

five days for encampment purposes. "Taking all in all, the time required yearly of the National Guard on business days does not amount to more than from five to ten days."

"In view of the fact of the security offered by the presence of the National Guard and the necessity of its establishment as evidenced by the establishment of national guards throughout every state in the Union, such service is not altogether too much to require."

"With a view of maintaining the efficiency not only of the National Guard, but of the other departments, care is exercised by the Executive in requiring such service and when such service is required the Executive has in view the efficiency of the other departments of the government. When the Executive calls out the National Guard, it expects that the call will be responded to, as it is the policy of the Executive to maintain and increase the efficiency of the Guard as one of the departments of the government."

FEDERAL EXAMPLE.

As showing how the United States Government favors the militia, the Acting Governor referred the Advertiser reporter to the following article in the National Guard Magazine for November:

"Postal Service and the Guard.—The following notice to postmasters has been issued by the Postoffice Department: In order to correct a misconception that seems to exist as to the attitude of the department in regard to enlistment and service in the National Guard by employees of the postal service, the following order has been issued:

"Ordered, That leaves of absence without pay, in addition to the leave of absence with pay authorized by law, will be granted to postal employees who are members of the National Guard when called upon to perform military duty by competent authority."

"The Department believes that the National Guard should be encouraged in every way and that it is feasible for postmasters to so arrange the duties of employees that leaves of absence to perform military duty may be granted without detriment to the service."

"In case of emergency, where the entire guard is called out and to grant leaves of absence to all of the employees of the postoffice who are members of the National Guard would seriously embarrass the postal service, it is believed, upon proper representations by the postmasters, that commanding officers will relieve from duty those employees whose services are imperatively needed in postoffice work."

(Signed) G. V. L. MEYER,
"Postmaster General."

Wait, Ma-a, Wait! That Knocker's Comin' Again.

